IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: HEARD, Jacqueline E. et al.

Title: **PLANT TRANSCRIPTIONAL REGULATORS OF ABIOTIC STRESS**

Serial No.: TBA
Examiner: TBA
Filing date: Herewith
Group Art Unit: 1638

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(f) and § 1.52(e)

Dear Sir:

Pursuant to 37 C.F.R. § 1.821 (c) and § 1.52, Applicants submit herewith three (3) Compact Discs (CD-ROM, Copy 1 and Copy 2) as the copy of the Sequence Listing in addition to a paper submission of the Sequence Listing in order to place the disclosure in compliance with the requirements of 37 C.F.R.§§1.821-1.825; (CD-ROM, Copy 2 is identical to Copy 1). The Sequence Listing on each CD (Copy 1, Copy 2, and Copy 3) is entitled "MBI0049CIP.ST25.txt," and is 139 KB in size. Pursuant to 37 C.F.R. § 1.821(e), Applicants also submit herewith a compact disc containing the Sequence Listing in ASCII format (CRF) (Copy 3), which is IBM PC compatible, for operating system PC-DOS/MS-DOS.

Applicants state that the CD-ROM copy of the Sequence Listing is incorporated by reference in its entirety in this application.

Pursuant to 37 C.F.R. § 1.821(f), Applicants state that the Sequence Listing contained on all three CD's (Copy 1, Copy 2, and Copy 3) is identical.

Respectfully submitted,

Date: October 13, 2003

By: Jeffrey M. ~~Libby~~, Ph.D.
Registration No. 48,251

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6138
Fax: (510) 264-0254